HON'BLE SRI JUSITCE GODA RAGHURAM

WRIT PETITON No.8679 of 2006

Dated 9-10-2006

Between:

K.Kalyani, Ashok Nagar, Ramachandrapuram, Medak District.

……Petitioner

and

The Station House Officer, Ramachnandrapuram Police Station, Medak District and others.

…..Respondents

HON'BLE SRI JUSITCE GODA RAGHURAM

WRIT PETITON No.8679 of 2006

ORDER:

This petition is filed alleging that the respondents are not taking action against the accused, who have committed an offence punishable under Section 3 (1) (x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, in C.C.No.53 of 2006, on the file of the 1st respondent and for a direction to respondents 3 and 4 to cause an independent investigation in Crime No.53 of 2006 of Police Station, Ramachandrapuram by an officer or other than the second respondent.

The respondents 3 and 4 have filed independent counter affidavits. The broad assertions in these counter affidavits are similar. The counter affidavit of the 4th respondent is to the following affect:-

> " I humbly submit that the following circumstances might have led the petitioner to present the belated and motivated complaints on

2/3/2006 to the 2nd respondent and another to the Station House Officer, Ramachnarapuram.

a) On a complaint given by one E. Madusudan Goud relating tot eh incident that occurred at 11.45 P.M on 7/2/2006, a case in Cr.No.35/06 was registered by Ramachnadrapuram Police Station of Medak Dist. For offences u/s 307, 447, 504 and 506 IPC against the petitioner and three others for assault and attempt to commit murder. In the above crime, the husband of the petitioner figured as A3 and he absconded from Ramachnadrapuram since the commission of the offence evading the process of law.

b) On 2/3/2006, Smt. Kalyani, the petitioner presented a typed complaint dated 9/2/2006 to the Assistant Sub-Inspector of Police, Ramachnadrapuram Police Station and it was registered as crime No.53/06 u/s 3 (1) (x) of the SC ST (POA) Act and the case was entrusted to the Deputy Superintendent of Police, P.R.Seshagiri Rao for investigation vide Proceedings No.C3/11/SCs & STs/DCRB/2006 dated 2/3/2006.

c) The Sub-Divisional Police Officer, Sri Seshagiri Rao investigated the case and submitted a report dated 10-4-2006 to the 3rd respondent stating that it was a false case filed by the petitioner against Madhusudan, and one Smt. Sluseela Reddy as a counter blast to Cr.No.35/06 of Ramachnadrapuram Police Station registered against her husband and three

others and requested the 3rd respondent to accord permission to treat the case as false.

In the aforesaid scenario, the Writ Petition filed by the petitioner appears to be an offshoot of her disgust and dissatisfaction against Deputy Superintendent of Police P.R.Sheshagiri Rao, who investigated Cr.No.53/2006 of Ramachnadrapuram Police Station and reported it to be false. Having come to know of the same, she might have filed this writ petition.

It is respectfully submitted that the Husband of the petitioner, K.Ramulu filed a Writ Petition No.8678 of 2006 against this respondent and other police officials. This respondent filed a detailed counter affidavit in the said petition and it may be read as part and parcel of this counter affidavit.

The contention of the petitioner that she sent the petition dated 9.2.2006 by Registered Post to the 1st respondent, since the 1st respondent refused to receive the same when approached in person was found to be false. The records of the 1st respondent do not reveal that the complainant was received. However, the complaint dated 9.2.2006 was received by the Deputy Superintendent of Police on 1.3.2006 and the Station House Officer on 2.3.2006 as stated supra and Cr.No.53 of 2006 was registered on 2.3.2006.

The allegation leveled in para No.7 of the affidavit were found to be false and hence the same are denied. I enquired with the 2nd respondent of the allegations made in para 7 of the affidavit and he denied all the allegations. It is true that the husband of the petitioner lodged complaints against he 2nd respondent to the Inspector General of Police, C.I.D

and the Superintendent of Police. The Additional Superintendent of Police, Sangareddy enquired into the contents of the complaint lodged by the husband of the petitioner and found the same to be false."

In the light of the averments in the counter affidavits, which are not rebutted, no proceedings are warranted in this writ petition.

The petition is accordingly dismissed.

9th October 2006

mrb